

GOVERNMENT **SIKKIM** **GAZETTE**



EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Tuesday 7th April, 2009

No. 120

**ELECTION DEPARTMENT
GOVERNMENT OF SIKKIM**

No.734 (a)/CEO

Dated:07/4/2009

Order No. 3/4/ID/2008/SDR dated 6th April, 2009 of the Election Commission of India, New Delhi is hereby republished for general information:-

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi – 110001

No. 3/4/ID/2008/SDR

Dated: 6th April, 2009

ORDER

1. Whereas, Section 61 of the Representation of the People Act, 1951 provides that with a view to preventing impersonation of electors, so as to make the right of genuine electors to vote under section 62 of that Act more effective, provisions may be made by rules under that Act for use of Identity Cards for electors as the means of establishing their identity at the time of polling; and
2. Whereas, Rule 28 of the Registration of Electors Rules, 1960, empowers the Election Commission to direct, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, the issue of Electoral Identity Cards to electors bearing their photographs at State cost; and
3. Whereas, Rules 49H (3) and 49K (2) (b) of the conduct of Elections Rules, 1961, stipulate that where the electors of a constituency have been supplied with Electors Identity Cards under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electoral Identity Cards at the polling station and failure or refusal on their part to produce those Electoral Identity Cards may result in the denial of permission to vote; and

4. Whereas, a combined and harmonious reading of the aforesaid provisions of the said Act and the Rules, makes it clear that although the right to vote arises by the existence of the name in the electoral roll, it is also dependent upon the use of the Electors Identity Card, where provided by the Election Commission at State cost, and that both are to be used together; and

5. Whereas, the Election Commission made an Order on the 28th August, 1993, directing the issue of Electors Photo Identity Cards (EPICs) to all electors, according to a time bound programme; and

6. Whereas, the Commission has taken note of the fact that over the last few years since the implementation of the programme of issue of EPICs was taken up, the election machinery of the States and Union Territories have issued these cards to a substantially high number of electors in all States and Union Territories and made all possible efforts, by way of repeated rounds of the constituencies and areas, with a view to issuing cards to the left-out electors; and

7. Whereas, electoral rolls containing photographs of the electors have been prepared and issued in all States and Union Territories except in the States of Assam, Jammu & Kashmir and Nagaland; and

8. Whereas, at the general election to the Legislative Assembly of Haryana held in January – March, 2000, and at all general and bye-elections held since then, the Commission had directed that all electors who were issued with EPICs should produce those cards to exercise their franchise at the said elections, and that it would permit the odd electors who have not obtained their EPICs to vote at the said elections, provided their identity is otherwise established by production of one of the alternative documents prescribed by the Commission; and

9. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that all electors in the States and Union Territories who have been issued with their EPICs, shall produce these cards for establishing their identity before casting their votes at the current General Election to the Lok Sabha and at the General election to the Legislative Assemblies of the States of Andhra Pradesh, Orissa and Sikkim and at the bye-elections to the State Legislative Assemblies in Jharkhand, Karnataka, Mizoram, Nagaland and NCT of Delhi, which are being held simultaneously with the General Election to the House of the People and which have been notified/scheduled to be notified on 23rd March 2009, 28th March 2009, 2nd April 2009, 11th April 2009 and 17th April 2009. If any elector fails to produce his/her EPIC, such electors shall have to produce any of the following alternative photo documents for establishing their identity:-

- (i) Passports,
- (ii) Driving Licences,

- (iii) Income Tax Identity (PAN) Cards,
- (iv) Service Identity Cards issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or Public Limited Companies with Photographs,
- (v) Passbooks issued by Public Sector Banks/Post Office and Kisan Passbooks with Photograph (Account opened upto 28.02.2009),
- (vi) Property Documents such as Pattas, Registered Deeds, etc., with photograph,
- (vii) SC/ST/OBC Certificates issued by competent authority with photograph (issued upto 28.02.2009),
- (viii) Pension Documents such as ex-servicemen's Pension Book/Pension Payment Order, ex-servicemen's Widow/Dependent Certificates, Old Age Pension order, Widow Pension Order with photograph (issued upto 28.02.2009),
- (ix) Freedom Fighter Identity Card, with photograph,
- (x) Arms Licenses (issued upto 28.02.2009),
- (xi) Certificate of Physical Handicap with photograph issued by the competent authority (issued upto 28.02.2009),
- (xii) Job Cards issued under NREGA with photograph (issued upto 28.02.2009),
- (xiii) Health Insurance Scheme Smart Cards with photograph (Ministry of Labour's Scheme, issued upto 28.02.2009),

10. Any of the abovementioned documents that is available only to the head of the family may be used for identifying the other members of the family provided all members come together and are identified by the head of the family

By order,

**(K.F. WILFRED)
SECRETARY**

**(D.L. TOPDEN) MS.
SPL. CHIEF ELECTORAL OFFICER
SIKKIM**

